

**Green, LindaE**

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**From:** Pettiford, Isabelle  
**Sent:** Tuesday, February 27, 2018 3:33 PM  
**To:** FOIA HQ  
**Cc:** Newman, Maya  
**Subject:** FOIA to be assigned control number and assign to OCEFT  
**Attachments:** img-180207112555.pdf

*This FOIA request was misdirected in the region. Please assign a control number for HQ and assign to OCEFT. Thanks*

*Isabelle L. Pettiford*

FOIA Coordinator  
Office of Criminal Enforcement, Forensics and Training  
Legal Counsel Division  
202-564-7396 Office



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January 12, 2018

**Via US Certified Mail**

**Receipt # 7016 0600 0001 0624 2285**

U.S Environmental Protection Agency  
Criminal Investigations Division  
290 Broadway, Suite #1551  
New York, NY 10007

**Re: Freedom of Information Act Request**

Dear Sir or Madame:

Please accept this request under the Freedom of Information Act ("FOIA"). As the FOIA requires, I hereby request copies of any and all nonexempt documents relating to any investigation undertaken by the U.S. Environmental Protection Agency as to Heartland Energy Group, Ltd. the company's director, John MacDonald, the company's president, Stephen Rowley and related companies that Messrs. MacDonald and Rowley also control based upon correspondence dated April 25, 2016 from Attorney Michael D. McGill on behalf of Fluid Energy Group Ltd, including, but not limited to Environmental Manufacturing Solutions, LLC. (See McGill correspondence attached hereto as Exhibit "A"). Such documentation should also include any disposition of such investigation reached by the U.S. Environmental Protection Agency.

In order to determine my status in order to assess fees, you should know that I am legal counsel for Heartland Energy Group, Ltd., John MacDonald, Stephen Rowley, and Environmental Manufacturing Solutions, LLC and I am seeking the information on behalf of my clients' businesses. We are willing to pay fees for this request up to a maximum of \$125.00. If you estimate the fees will exceed this limit, please contact me prior to processing this request.

Orlando – 390 N. Orange Avenue, Suite 2500, Orlando, FL 32801  
Melbourne – 1290 W. Eau Gallie Blvd., Melbourne, FL 32935  
Manassas – 9215 Prescott Avenue, Manassas, VA 20110



U.S Environmental Protection Agency  
Criminal Investigations Division  
January 12, 2018  
Page 2, cont'd.

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Should you have any questions regarding this regard, please contact me by telephone at (407) 926-7716 or by email at [adavis@bwsnplaw.com](mailto:adavis@bwsnplaw.com). I look forward to receiving your response with the twenty (20) day statutory time period.

Thank you for your kind assistance in this regard.

Sincerely,



Amber N. Davis, Esq.

AND/bam  
cc: Clients

# EXHIBIT “A”





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April 25, 2016

Michael J. Fiore  
Special Agent  
U.S. Environmental Protection Agency  
Criminal Investigations Division  
290 Broadway, Suite #1551  
New York, NY 10007  
Fiore.Michael@epa.gov

**Re: Forgery of U.S. Government Testing Reports**

Dear Mr. Fiore:

On behalf of Fluid Energy Group Ltd. and its principals and affiliates ("Fluid Energy"), I am writing to express concerns over the forgery of U.S. Government documents and other potentially illegal conduct committed by Heartland Energy Group, Ltd. ("Heartland"), the company's director, John MacDonald, the company's president, Stephen Rowley, and related companies that MacDonald and Rowley also control.

As explained in detail below, Heartland, MacDonald, and Rowley entered into agreements with Fluid Energy in 2012 and 2013 under which Fluid Energy marketed and sold Heartland's acid and caustic replacement products to the oil and gas industry. MacDonald and Rowley materially misrepresented the characteristics of these Heartland products, claiming that they were not corrosive to steel or aluminum and not regulated by the U.S. Department of Transportation ("U.S. DOT"), the Canadian Department of Transportation ("Canadian DOT"), or other governmental bodies for purposes of domestic and international transportation by land, air, and sea. In furtherance of these misrepresentations and their attempts to defraud Fluid Energy, MacDonald and Rowley provided forged test reports that were purportedly issued by "NASA Support Labs" and included an official National Aeronautics and Space Administration ("NASA") seal. *See Exhibit A.* After Fluid Energy discovered that Heartland's products did not perform as promised and, specifically, were corrosive to aluminum at a level far in excess of the thresholds established by the DOT's regulations applicable to the transportation of such substances, Fluid Energy investigated whether the NASA testing reports were authentic. In response to Fluid Energy's inquiry, the NASA Office of the General Counsel ("NASA OGC") confirmed that the reports were fake. *See Exhibit B.*

Fluid Energy continues to pursue its legal remedies against Heartland, MacDonald, and Rowley to recover the damages suffered as a result of their misrepresentations. But this is not strictly a civil matter. The forgery of the NASA test reports would seem to clearly violate 18 U.S.C. § 506 (which provides that it is a federal felony to falsely forge the seal of any federal

**FLUID ENERGY GROUP LTD. PROPRIETARY AND CONFIDENTIAL  
SUBJECT TO TRADE SECRETS ACT; FREEDOM OF INFORMATION ACT EXEMPT**



Mr. Michael J. Fiore  
April 25, 2016  
Page 2

agency) and possibly other federal criminal statutes. And Fluid Energy is not the only victim here. Heartland's, MacDonald's, and Rowley's illegal actions also undermined the U.S. Government by misusing NASA's official seal in an attempt to evade the U.S. Government's authority to regulate transportation of hazardous substances. By circumventing U.S. and Canadian regulations and transporting corrosive products without taking the precautions required by law, Heartland, MacDonald, and Rowley exposed the public to grave risks and induced distributors to unwittingly do so as well. Their actions also threatened customers in the oil and gas industry who use Heartland's products under the assumption that they are as safe and non-corrosive as advertised. Based on a review of Heartland's website and the website of Environmental Manufacturing Solutions LLC ("EMS"), a company that MacDonald owns and controls, it appears that this illegal conduct may be ongoing, and thus could pose a continuing threat to the Environmental Protection Agency ("EPA"), NASA, the U.S. DOT, Canadian DOT, the public, and the oil and gas industry.

For all of these reasons, Fluid Energy felt compelled to report this matter to law enforcement. We are bringing this to your attention in the hope that your office will take action to help prevent other companies from falling victim to Heartland, MacDonald, and Rowley. To that end, we respectfully ask that the EPA investigate Heartland's, MacDonald's, and Rowley's actions described herein and, if the results of the investigation so warrant, refer its findings to the Department of Justice for potential prosecution, to the EPA Suspension and Debarment Official for potential suspension or debarment, to EPA management for other appropriate action, and to any other U.S. Government authorities that you deem should be apprised.

**A. Heartland, MacDonald, and Rowley engaged in illegal conduct that involved forging NASA test reports to misrepresent the corrosion levels of their products germane to the applicability of U.S. and Canadian regulations.**

Fluid Energy, a Canadian company formed in 2011, is a prominent supplier of non-hazardous chemical replacement technology. Fluid Energy focuses on offering innovative products and cutting-edge chemistry, and it holds two patents with over twenty other patents pending. While Fluid Energy is a relatively young company, its leadership possesses decades of experience in the oil and gas, chemical, and related service industries, and Fluid Energy already has been recognized as "World Class."

Fluid Energy briefly distributed certain Heartland products in 2012 and 2013. The conduct discussed in this letter relates primarily to two of those products, Oil Safe™ and Mud Safe™, both of which are primarily used in the oil and gas industry. Oil Safe purports to be a direct replacement for hydrochloric acid and a replacement for other oilfield acid treatments. Mud Safe purports to be a synthetic replacement for sodium hydroxide and other caustics used in mud and frac-fluid systems. Oil Safe is used in scale treatment and acid fracturing operations, and Mud Safe is used in a pH control context. Both of these activities involve a high level of human and environmental exposure.

Heartland continues to market Oil Safe as "non-regulated by US DOT" and as possessing a "triple zero" Hazardous Materials Identification System ("HMIS") rating, indicating that it



poses *no* risk in the areas of health, flammability, and physical hazard. <sup>1/</sup> Heartland continues to market Mud Safe as “non-corrosive, non-hazardous, non US DOT regulated and 100% biodegradable.” <sup>2/</sup> Heartland and EMS also inaccurately market the characteristics of Oil Safe and Mud Safe related to dermal and ocular irritation, which are highly relevant to the safety of workers who use the products. <sup>3/</sup>

**1. Heartland, MacDonald, and Rowley misrepresented the properties of Oil Safe and Mud Safe in order to induce Fluid Energy to market and sell the products to the oil and gas industry.**

In December 2011, MacDonald and Rowley initiated discussions with Fluid Energy concerning the possibility of Fluid Energy distributing Oil Safe and Mud Safe to the oil and gas industry. On February 21, 2012, Fluid Energy entered into an agreement with CCE Technologies, Inc. (“CCE”), a company that Rowley owned and operated. This initial agreement was superseded shortly thereafter when MacDonald and Rowley decided to use Heartland to contract with Fluid Energy to distribute Oil Safe and Mud Safe. In October 2012, Fluid Energy (and its affiliate, Fluid Lux S.A.R.L.) entered into a set of manufacturing and licensing agreements with Heartland, and the parties amended and restated the agreements in June 2013.

Under these agreements, Heartland purported to license certain patented technologies to Fluid Energy and authorized Fluid Energy to manufacture and market Oil Safe and Mud Safe, which Heartland represented were the commercial embodiment of the patented technologies. The patents relate to cleaning methods and compositions that purport to be “non-corrosive to metals” and to have been “shown to reduce corrosion levels to well below [U.S. Department of Transportation] corrosion limits of < 6.25 mmpy.” <sup>4/</sup> In addition to the inaccurate content of the patents, Heartland also expressly represented to Fluid Energy that the technologies were not corrosive to steel or aluminum and were not regulated for purposes of domestic and international transportation by air, land, or sea.

The corrosion levels of Oil Safe and Mud Safe are relevant because they dictate, among other things, whether the products are regulated for U.S., Canadian, and international

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<sup>1/</sup> See *Oil Safe AR*, HEARTLAND ENERGY GROUP, <http://heartlandenergygroup.net/green-chemistries/oil-safe-ar> (last visited April 4, 2016). Additional information on HMIS is available on the website of the American Coatings Association (“ACA”), which developed the system. See *HMIS*, ACA, <http://www.paint.org/advocacy/occupational-health-and-safety/hmis> (last visited April 8, 2016).

<sup>2/</sup> See *Mud Safe CR: A Caustic Alternative*, HEARTLAND ENERGY GROUP, <http://heartlandenergygroup.net/green-chemistries/mud-safe-cr> (last visited April 4, 2016).

<sup>3/</sup> Exhibit C includes dermal irritation and eye irritation testing reports available on Heartland’s website. See *Oil Safe AR Dermal Testing*, HEARTLAND ENERGY GROUP, [http://www.heartlandenergygroup.net/wp-content/uploads/2014/09/Oil\\_Safe\\_AR\\_Dermal\\_Testing.pdf](http://www.heartlandenergygroup.net/wp-content/uploads/2014/09/Oil_Safe_AR_Dermal_Testing.pdf) (last visited April 4, 2016); *Oil Safe AR Eye Irritation Testing*, HEARTLAND ENERGY GROUP, [http://www.heartlandenergygroup.net/wp-content/uploads/2014/09/Oil\\_Safe\\_AR\\_Eye\\_Irritation\\_Testing.pdf](http://www.heartlandenergygroup.net/wp-content/uploads/2014/09/Oil_Safe_AR_Eye_Irritation_Testing.pdf) (last visited April 4, 2016). Fluid Energy confirmed that these tests are fake by contacting the Harbor Branch Oceanographic Institute Foundation at 5600 US 1 North, Fort Pierce, FL 34946. The relevant correspondence with Harbor Branch is included in Exhibit C.

<sup>4/</sup> See U.S. Patent No. 8,163,102.



transportation purposes. A product that corrodes steel or aluminum at a rate in excess of 6.25 millimeters per year ("mmpy") at 131°F over a period of 72 hours is subject to U.S. DOT and Canadian DOT regulations. A shipper must comply with mandatory, costly safety measures when shipping such products by air, sea, and rail in the U.S. and by air, sea, rail, and road in Canada. <sup>5/</sup> The shipper must comply with the most stringent requirements of the country to which it is shipping the regulated product. So, for instance, if the shipper is sending the product to Canada from the U.S., the shipper must comply with Canadian DOT regulations.

It is significantly more costly to ship a regulated product in light of the safety measures that are mandated by U.S. and Canadian regulations. As a rule of thumb, transporting regulated products via air in compliance with the applicable U.S. and Canadian DOT requirements generally is approximately 500% more costly than shipping those products without the mandatory safeguards. Consequently, products that are non-corrosive and non-regulated offer a distinct competitive advantage in the market for these types of products—meaning that customers will pay considerably more for them. Non-regulated status, therefore, is critical to the ability of a company like Fluid Energy to market and sell the products and to comply with applicable U.S. and Canadian regulations. <sup>6/</sup>

**2. Heartland, EMS, MacDonald, and Rowley forged NASA testing reports in furtherance of their misrepresentations.**

Heartland, MacDonald, and Rowley provided Fluid Energy with several reports on the corrosion rates of Oil Safe and Mud Safe. One of those reports, dated November 22, 2011, is printed on the letterhead of NASA Support Labs of 8201 Greensboro Drive, McLean, Virginia, 22102, affixes NASA's official seal, and states that it was prepared for Heartland. <sup>7/</sup> The report indicates that NASA tested Heartland's Oil Safe product using standards ASTM G31-72 and NACCE TM0169-76. The title of the test is "Immersion Corrosion Testing of Metal." The report details the process that was involved in testing two mild steel specimens SAE C1020 and two 7075-T6 non-clad aluminum specimens.

The NASA Support Labs report states the following conclusions:

The corrosion rate of Heartland Solutions Oilsafe-AR does not exceed 6.25 [mmpy] on SAE C1020 Steel.

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<sup>5/</sup> Although there is an exception for road/highway-based transportation within the U.S. (49 C.F.R. § 173.154), this exception does not apply to transportation by air, sea, or rail.

<sup>6/</sup> Fluid Energy now distributes its own products in lieu of Heartland's products, and because those products are regulated, it is experiencing much higher costs than it anticipated incurring under its agreements with Heartland assuming that Oil Safe and Mud Safe were non-corrosive and non-regulated consistent with the forged NASA testing reports. Due to the costs and delays attendant to developing its own replacement products and the damage to customer relations following the inability to deliver products with the characteristics that Heartland, MacDonald, and Rowley promised, Fluid Energy's business has been devastated by the misrepresentations related to Oil Safe and Mud Safe.

<sup>7/</sup> See Exhibit A, Forged NASA Testing Reports.



The corrosion rate of Heartland Solutions Oilsafe-AR does not exceed 6.25 [mmpy] on 7075-T6 non-clad Aluminum.

Heartland Solutions Oilsafe-AR is deemed Non-Regulated by the Canadian TDG.

Heartland Solutions Oilsafe-AR is deemed Non-Regulated by the US DOT. 8/

Heartland also provided a second report purportedly from NASA Support Labs stating the same conclusions. Both reports include the ostensible signatures of Luke Rothenburg and Dr. Pam Eglin PhD. At least one version of the NASA Support Labs report is still available online. 9/

**3. The NASA Office of the General Counsel confirmed that NASA did not issue the testing reports that Heartland provided to Fluid Energy.**

After one of Fluid Energy's customers complained in December 2013 about Oil Safe corroding aluminum, 10/ Fluid Energy notified Heartland about the issue. Subsequent testing revealed that Oil Safe and Mud Safe and Heartland's underlying patented technologies do not approach meeting a corrosion limit of 6.25 mmpy as stated in the purported NASA testing reports. In April 2014, Fluid Energy notified Heartland that it was rescinding the agreements in light of Heartland's misrepresentations. In June 2014, following additional correspondence between the parties, Fluid Energy notified Heartland that it was terminating the agreements.

Fluid Energy subsequently asked NASA to authenticate the test report. In a January 8, 2015 letter, the NASA OGC stated that it was not able to authenticate the document. The letter explained why NASA could not authenticate the letter:

We have determined with NASA's Office of Chief Engineer that NASA does not operate any facilities referred to or identified as "NASA Support Labs."

We have determined with NASA's Office of Procurement that a search of NASA's procurement database does not reveal any current or prior contracts with an entity doing business as "NASA Support Labs."

We have determined the address on the documents "8201 Greensboro Drive, McLean Virginia 22102" does not correspond to any facility owned or operated by NASA. . . .

NASA routinely assigns email addresses within the NASA.GOV domain to civil servants and contractor employees to facilitate the conduct of official business. We determined with NASA's Office of Human Capital

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8/ *Id.*

9/ See *Technical Topics – NASA Corrosion Data*, SUSTAINABLE WATER SOLUTIONS, LLC, [http://sustainablewatersolutionsllc.com/wp-content/uploads/2014/09/nasa\\_OSAR-Corrosion\\_test-1.pdf](http://sustainablewatersolutionsllc.com/wp-content/uploads/2014/09/nasa_OSAR-Corrosion_test-1.pdf) (last visited April 4, 2016). Fluid Energy does not know the extent of the relationship between Heartland and Sustainable Water Solutions, LLC.

10/ Fluid Energy marketed Oil Safe as "Enviro-Syn HCR" and Mud Safe as "Enviro-Syn CSR."



Management that a search of the NASA.GOV email database indicates that no NASA.GOV email address has been assigned to a "Luke Rothenburg" or a "Pam Eglin."

Although NASA does maintain testing facilities capable of the work described in the documents, NASA has strict statutory and policy limitations on its ability to engage in activities which compete with the private sector. Because the work described in the documents is readily available from commercial sources, NASA would not perform such work for a commercial customer nor would we task a contractor to perform such work on the Agency's behalf. <sup>11/</sup>

The NASA OGC's letter leaves no doubt that the NASA testing reports Heartland, MacDonald, and Rowley provided to Fluid Energy were fake.

**4. International Chamber of Commerce arbitrators found that Heartland, MacDonald, and Rowley forged NASA testing reports and misrepresented the characteristics of Heartland's products.**

Fluid Energy continues to pursue legal action against Heartland, MacDonald, and Rowley. Those efforts have involved arbitration before a tribunal of the International Chamber of Commerce ("ICC") International Court of Arbitration. In connection with that arbitration, a tribunal of three ICC arbitrators found that Heartland had attempted to defraud Fluid Energy by forging NASA documents. Specifically, the arbitral tribunal found that:

- Heartland repeatedly represented to Fluid Energy that Oil Safe and Mud Safe were not regulated knowing that such representations were false. <sup>12/</sup>
- Heartland forged the NASA testing reports (and another report) and forged an email to conceal the falsity of the reports. The signatures of Luke Rothenburg and Dr. Pam Eglin on the reports were copied and pasted from the internet. <sup>13/</sup>

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<sup>11/</sup> Exhibit B, NASA OGC Jan. 8, 2015 letter to R. Furey.

<sup>12/</sup> Exhibit D, ICC Decision (Mar. 4, 2016) at 21 ("... Mr. MacDonald and Mr. Rowley made a series of factual representations to Claimants to the effect that the Licensed Products were not regulated for U.S., Canadian, and international transportation purposes and had corrosion rates with respect to steel and aluminum well below the regulatory threshold of 6.25 millimeters per year (mmpy). There [*sic*] representations included, for example the provision of test reports, referred to as the 'NASA' and 'Del Tech' test reports, to Mr. Thatcher when Mr. Thatcher worked for Mud Master . . . ; a discussion between Mr. MacDonald and Mr. Purdy on the topic during January 2012 . . . ; Mr. Rowley's emailing to Mr. Thatcher on February 12, 2012 a powerpoint presentation showing corrosion rates on steel and aluminum below 6.25 mmpy . . . ; and Mr. MacDonald's emailing to Mr. Purdy and Mr. Thatcher a copy of the Del Tech test report on October 16, 2012. In addition, on October 24, 2012, Mr. Rowley and Mr. MacDonald received a powerpoint presentation by Mr. Thatcher quoting the NASA report data . . . and made no suggestions that the data should not be relied upon.").

<sup>13/</sup> *Id.* at 22-23 ("The arbitral tribunal further concludes that *these representations were false*, in that both of the Licensed Products have corrosion rates with respect to at least aluminum at a rate above the



- Heartland intended for Fluid Energy to rely on the forged reports. Heartland, MacDonald, and Rowley misrepresented the characteristics of Oil Safe and Mud Safe to induce Fluid Energy to enter into the agreements to market and sell these products to the oil and gas industry without complying with U.S. and Canadian regulations. 14/

**B. Heartland's, MacDonald's, and Rowley's conduct violates federal law, undermines the U.S. Government, and exposes the public and the oil and gas industry to grave safety hazards.**

As the foregoing background hopefully makes clear, the actions of Heartland, MacDonald, and Rowley were plainly illegal, and involved forging NASA test reports with the official NASA seal. These are not speculative allegations of a disgruntled former business partner. The NASA OGC confirmed that the testing reports were not authentic, and an ICC arbitral tribunal found that Heartland, MacDonald, and Rowley used the forgery to try to induce Fluid Energy to market and sell its products by concealing that they are corrosive at a level exceeding 6.25 mmpy and regulated by the U.S. and Canadian governments.

This evidence would seem to be sufficient to warrant at least investigating whether Heartland, MacDonald, and Rowley violated 18 U.S.C. § 506. Paragraph (a) of 18 U.S.C. § 506 provides as follows:

Whoever— (1) falsely makes, forges, counterfeits, mutilates, or alters the seal of any department or agency of the United States, or any facsimile thereof; (2) knowingly uses, affixes, or impresses any such fraudulently made, forged, counterfeited, mutilated, or altered seal or facsimile thereof to or upon any certificate, instrument, commission, document, or paper of any description; or (3) with fraudulent intent, possesses, sells, offers for sale, furnishes, offers to furnish, gives away, offers to give away, transports, offers to transport, imports, or offers to import any such seal or facsimile thereof, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered, shall be fined under this title, or imprisoned not more than 5 years, or both.

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regulatory threshold, and that the products are in fact regulated for Canadian transportation purposes. . . . *As for the NASA and Del Tech test reports, there is no evidence suggesting that they represent the results of any testing that was actually conducted* (and their corrosion results are inconsistent with those of the later, actual tests. . . ). . . . Claimants' expert witness Marshall A. Sklar testified that the signatures on both purported reports are identical to signatures on unrelated documents found on Internet websites, including the signature of a former Mayor of Pittsburgh (with a name different from the supposed laboratory tester) and a signature captured from a 'how-to-get-signature' page at [howtoveryeasy.blogspot.com](http://howtoveryeasy.blogspot.com). . . . While denying that he played any role in the falsification, Mr. MacDonald states . . . that 'the tests may in fact be falsified.'" (emphasis added).  
14/ *Id.* at 24-25.



Mr. Michael J. Fiore  
April 25, 2016  
Page 8

Moreover, Heartland's, MacDonald's, and Rowley's conduct may have violated other federal criminal statutes. <sup>15/</sup> MacDonald, Rowley, and their business enterprises generated millions of dollars in profit from Fluid Energy alone based on products that were supported by the forged NASA testing report. That profit was generated at the cost of undermining the U.S. Government and exposing the public and the oil and gas industry to severe safety hazards.

As explained above, Oil Safe and Mud Safe are highly corrosive to aluminum. Products with such corrosive characteristics are required to be transported using special safety precautions. Transporting corrosive, regulated products without taking those mandatory precautions is inherently dangerous. For example, transporting Oil Safe and Mud Safe by air in regular storage containers could result in leakage that could compromise the integrity of an aircraft's airframe. While the initial impact may not cause an airworthiness issue immediately, it could create a latent weakness that could cause a catastrophic failure years down the road due to corrosion. Heartland's, MacDonald's, and Rowley's illegal conduct, including forging NASA testing reports, has created tangible, life-threatening risk. Likewise, their misrepresentations about Oil Safe and Mud Safe pose ongoing health and safety hazards in the oil and gas industry. As a result of this illegal conduct, Oil Safe and Mud Safe are not being handled, packaged, or shipped properly, which threatens not only the health and safety of the personnel exposed to the products, but also the environment, valuable equipment, and physical capital.

There is urgency for the EPA and other law enforcement agencies to act. As noted above, Heartland's website still indicates that Oil Safe and Mud Safe are non-corrosive and non-regulated, and the forged NASA testing reports are still available online. Therefore, it is possible—and probably likely—that Heartland continues to disseminate fake NASA documents to various customers around the globe to support misrepresentations that relate to the safety and regulatory status of their products. If that is the case, it is important for the EPA to act to prevent Heartland, MacDonald, and Rowley from continuing to forge NASA testing reports or other official agency documents and to protect customers who might purchase and use Oil Safe and Mud Safe assuming that they are safe, non-corrosive, and not regulated for transportation purposes. Due to these ongoing threats, we ask that the EPA consider recommending that Heartland immediately cease and desist from marketing and selling the products at issue, at least until the EPA and other law enforcement agencies have sufficient time to investigate this matter.

Further, *USASpending.gov* and the System for Award Management indicate that at least some of the companies controlled by MacDonald and Rowley contract with U.S. federal agencies. MacDonald has claimed that the U.S. Navy is EMS's largest customer. EMS continues to falsely advertise that it has ties to NASA. <sup>16/</sup> In light of their illegal conduct, there are serious questions about whether Heartland, MacDonald, and Rowley are currently fit to perform work for the U.S. federal government.

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<sup>15/</sup> We understand that MacDonald may have a criminal record. He was denied entry to Canada on at least one occasion.

<sup>16/</sup> See *EMS Signs with NASA Labs for Third Party Testing*, EMS, [http://www.enviromfg.com/pr\\_nasatesting.html](http://www.enviromfg.com/pr_nasatesting.html) (last visited April 4, 2016). Fluid Energy does not know whether or not Heartland has used the forged NASA testing reports to market its products to the Navy.



Mr. Michael J. Fiore  
April 25, 2016  
Page 9

We appreciate your time and the opportunity to bring these concerns to your attention. We would be willing to cooperate with the EPA and any other federal agencies in investigating Heartland's, MacDonald's, and Rowley's actions in connection with disseminating forged NASA testing reports. If you need additional information or clarification, have any questions concerning this matter, or would like to discuss, please call me directly at (202) 637-8862.

Sincerely,



Michael D. McGill

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Phone: 202-637-8862  
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*Counsel for Fluid Energy Group Ltd.*